

SUPREME COURT OF WISCONSIN

CASE No.: 2011AP387-D

COMPLETE TITLE: Office of Lawyer Regulation,
Complainant-Respondent,
v.
Michael M. Rajek,
Respondent-Appellant.

DISCIPLINARY PROCEEDINGS AGAINST RAJEK

OPINION FILED: February 20, 2015
SUBMITTED ON BRIEFS:
ORAL ARGUMENT:

SOURCE OF APPEAL:

COURT:
COUNTY:
JUDGE:

JUSTICES:

CONCURRED:
DISSENTED:
NOT PARTICIPATING:

ATTORNEYS:

For the respondent-appellant, there were briefs by *Michael M. Rajek*, Eau Claire, and oral argument by *Michael M. Rajek*.

For the complainant-respondent, there was a brief by *Wayne A. Arnold*, Rice Lake, and oral argument by *Wayne A. Arnold*.

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 2011AP387-D

STATE OF WISCONSIN

:

IN SUPREME COURT

**In the Matter of Disciplinary Proceedings
Against Michael M. Rajek, Attorney at Law:**

Office of Lawyer Regulation,

Complainant-Respondent,

v.

Michael M. Rajek,

Respondent-Appellant.

FILED

FEB 20, 2015

Diane M. Fremgen
Clerk of Supreme Court

ATTORNEY disciplinary proceeding. *Violations found; no discipline imposed.*

¶1 PER CURIAM. Attorney Michael M. Rajek appeals from the report of the referee, James G. Curtis, who determined that the Office of Lawyer Regulation (OLR) had proven violations of the Rules of Professional Conduct for Attorneys on five of the six counts alleged in the OLR's amended complaint and recommended that this court publicly reprimand Attorney Rajek and require him to pay the full costs of this disciplinary proceeding, which were \$18,760.87 as of November 22, 2013.

¶2 When reviewing a referee's report and recommendation, we affirm the referee's findings of fact unless they are clearly erroneous, but we review the referee's conclusions of law on a de novo basis. In re Disciplinary Proceedings Against Inglimo, 2007 WI 126, ¶5, 305 Wis. 2d 71, 740 N.W.2d 125. We determine the appropriate level of discipline to impose given the particular facts of each case, independent of the referee's recommendation, but benefiting from it. In re Disciplinary Proceedings Against Widule, 2003 WI 34, ¶44, 261 Wis. 2d 45, 660 N.W.2d 686.

¶3 Having considered the referee's report and the parties' briefs and oral argument on appeal, we conclude that Attorney Rajek committed the rule violations on five counts as found by the referee. The violations, however, involved relatively minor failures of communication, including failures in some instances to provide certain notices or pieces of information to clients under Supreme Court Rule (SCR) 20:1.15(b)(4m), which sets forth the alternative procedure for handling advanced fees. They did not involve the sufficiency or quality of the legal representation provided by Attorney Rajek to his clients. Given the particular facts of this case and the nature of the violations, we determine that it is not necessary to impose any discipline on Attorney Rajek and that there is no basis for a restitution award. We do require Attorney Rajek to pay costs, but we reduce the amount of costs he must pay to \$8,500.

¶4 IT IS ORDERED that Michael M. Rajek is found to have committed violations of the Rules of Professional Conduct for Attorneys as alleged in Counts 1, 2, 4, 5, and 6 of the amended complaint, but no discipline shall be imposed upon Michael M. Rajek.

¶5 IT IS FURTHER ORDERED that within 60 days of the date of this order, Michael M. Rajek shall pay to the Office of Lawyer Regulation costs in the amount of \$8,500.

